

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN A. ROY,	§
	§
Defendant Below-	§ No. 76, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0503015173
Plaintiff Below-	§
Appellee.	§

Submitted: June 12, 2009

Decided: July 15, 2009

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 15th day of July 2009, after careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated January 22, 2009. The Superior Court did not err in concluding that appellant's motion for postconviction relief was procedurally barred. The motion was untimely and previously adjudicated, and appellant failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice